

Bereskin & Parr

INTELLECTUAL PROPERTY LAW

October 19, 2004

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Your Reference: 09/707,167
Our Reference: 9369-161

The Commissioner of Patents
& Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sirs:

Re: TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
U.S. Patent Application No. 09/707,167
Filed: November 7, 2000
Title: Oil Bodies and Associated Proteins as Affinity Matrices
Inventors: Maurice Moloney, Joseph Boothe and Gijs van Rooijen
Art Unit: 1653
Examiner: Samuel W. Liu

SemBioSys Genetics Inc., a corporation of Alberta, of Bay #110, 2985-23rd Avenue N.E., Calgary, Alberta, T1Y 7L3, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/707,167, filed on November 7, 2000 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices" by virtue of an assignment recorded at Reel 12646, Frame 0298 on March 6, 2002, and (2) U.S. Patent Application No. 10/260,562, filed on October 1, 2003 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices", by virtue of an assignment filed on February 19, 2003.

SemBioSys Genetics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Application No. 10/260,562 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Application No. 10/260,562, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

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In making the above disclaimer, SemBioSys Genetics Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of United States Patent Application No. 10/260,562, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an agent of record in the application.

Respectfully submitted,

**Maurice Moloney, Joseph Boothe
And Gijs van Rooijen**



Micheline Gravelle
Registration No. 40,261

MG/vh

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